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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA, ex rel.
DAVID MORGAN,

Plaintiff,

v.

EXPRESS SCRIPTS, INC., et al.,

Defendants.

Civil Action No. 05-01714 (DMC)(JAD)

**ORDER GRANTING DEFENDANT
CVS CAREMARK CORPORATION'S
MOTION TO DISMISS THIRD
AMENDED COMPLAINT WITH
PREJUDICE PURSUANT
TO RULES 12(b)(6) AND 9(b)**

THIS MATTER having been opened to the Court upon the motion of CVS Caremark Corporation ("Caremark"), through its attorneys, Marino, Tortorella & Boyle, P.C. (Kevin H. Marino, Esq., appearing) and Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., for entry of an Order dismissing the Third Amended Complaint (the "Complaint") of Relator, David Morgan,

* *Pro hac vice* applications to be submitted to the Court.

with prejudice as to Caremark for failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6) and for failure to plead fraud with particularity pursuant to Federal Rule of Civil Procedure 9(b); and the Court having considered the submissions of the parties and oral argument of counsel; and good cause having been shown;

IT IS ON THIS _____ day of _____, 2013

ORDERED THAT Caremark's motion to dismiss be and hereby is GRANTED in its entirety; and

IT IS FURTHER ORDERED that the Complaint be and hereby is dismissed in its entirety and with prejudice as to Caremark; and

IT IS FURTHER ORDERED that all causes of action asserted in the Complaint against Caremark be and hereby are dismissed in their entirety and with prejudice as to Caremark.

Honorable Dennis M. Cavanaugh, U.S.D.J.